IN THE HIGH COURT OF BOMBAY AT GOA.

CIVIL REVISION APPLICATION NO. 131 OF 2002.

1. Datta Shankar Madkaikar,
   r/o Tisk, Usgaon, Goa.
2. Smt. Durga Datta Madkaikar,
   r/o Tisk, Usgaon, Goa. ... Applicants.

Versus

1. Rajaram Datta Naik,
2. Bhanudas Datta Naik,
   both r/o Near Falhari
   Maharaj Matt, Chaudi Pali,
   Bicholim, Goa. ... Respondents.

Mr. S.D. Lotlikar, Senior Advocate with Mr. A.D. Bhobe, Advocate for the Applicants.

Mr. J. Godinho, Advocate for the Respondents.

Coram: P.V. HARDAS, J.

Date: 19th September 2002.

ORAL JUDGMENT.

This Civil Revision Application has been filed by the applicants/defendants challenging the Order passed by the learned Civil Judge, Junior Division, Ponda, dated 24th January 2002, in Regular Civil Suit No. 123/90/B, declining to permit the applicants/defendants to produce additional documents mentioned in the application Exhibit 45.

2. By consent of parties, this revision is taken up for final disposal at the stage of admission.

3. I have heard Mr. Lotlikar, the learned senior advocate for the applicants and Mr. Godinho,

learned counsel for the respondents.

The learned trial Court has found that the document sought to be produced by the present applicants/defendants, that is, Form I and XIV, was sought to be produced after 12 years of the institution of the proceedings. According to the learned trial Court, no reasons have been given as to why the said document could not be produced by the applicants/defendants earlier. In respect of the bills issued by R.K. Enterprises and the electricity bills in respect of the suit house, the learned trial Court found that no reasons had been given by the applicants/defendants which precluded them from producing the documents earlier, though the documents were admittedly in their possession. In respect of the receipt issued by the Electricity Department, dated 24th May 1990, the learned trial Court found that the same was not relevant for the controversy in the suit. In respect of the other document, namely, the certificate issued by the Attorney of Communidade and the other documents sought to be produced vide Exhibit 45, the learned trial Court found that they were not relevant and were sought to be produced after the plaintiffs had closed their case. The learned trial Court also found that the defendants wanted to change their defence. The learned trial Court, therefore, in this backdrop,

rejected the application at Exhibit 45.

4. I have perused the Order of the learned trial Court and I do not find any material irregularity in the exercise of jurisdiction and the present revision is also not maintainable, in view of the amended Section 115 of the Code of Civil Procedure.

5. In view of this, Civil Revision Application is dismissed with no order as to costs.

(P.V. HARDAS)
JUDGE.

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